



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,305	09/11/2003	David S. Warren	XSB-001	9356
49675	7590	07/19/2007	EXAMINER BROWN JR, NATHAN H	
THOMAS A. GALLAGHER 60 LONG RIDGE ROAD SUITE 407 STAMFORD, CT 06902			ART UNIT 2121	PAPER NUMBER
MAIL DATE 07/19/2007		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

MN

Office Action Summary	Application No.	Applicant(s)
	10/660,305	WARREN ET AL.
	Examiner Nathan H. Brown, Jr.	Art Unit 2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 September 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

Examiner's Detailed Office Action

1. This Office is responsive to application 10/660,305, filed September 11, 2003.
2. Claims 1-38 have been examined.

Objections to the Claims

3. Claim 33 is objected to because of the following informalities: “definitions” should be --definitions--. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter: software *per se*. Applicants recite a computer related invention having no data structure and reciting the judicial 101 exception of software *per se*, a:
“collection of software tools for acquiring data from diverse sources and/or structuring the data and/or determining similarity of content...”,
“web agent creator for creating a web agent to acquire data from the world wide web...”,

“ontology directed classifier for use with an ontology management system”,

“ontology directed extractor for use with an ontology management system”, and

“ontology directed matcher for use with an ontology management system”.

Applicants recite no data structure defining any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure’s functionality to be realized. Applicants recite no associated physical transformation. While the result of acquiring data may be concrete, there is no tangible result as the tangible requirement requires that the claim must recite more than a § 101 judicial exception, and in that process the claim must set forth a practical application of that § 101 judicial exception to produce a real-world result. Simply acquiring data from diverse sources clearly doesn’t produce a practical result like transforming representational dollar amounts to final share prices which be acted upon and relied upon. Neither does acquiring data produce a practical result like a measurement of blood sugar level for medical diagnostic purposes. Clearly, something must be done with the acquired data for a determination of a practical result to be made. The ontology, the ontology directed matcher, and the web agent for creating web agents are clearly either abstractions or software only. Clearly, claims 1-38 are non-statutory under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 31 is rejected under 35 U.S.C. 102(a) as being anticipated by *Baclawski* (USPN: 6,424,973).

Regarding claim 31. *Baclawski* teaches an ontology directed extractor (see Abstract, “The home node extracts features from the query, according to its ontology.”) for use with an ontology management system (see Abstract, *Examiner interprets a “...search engine for retrieval of objects processed by a variety of interrelated ontologies. Each object conforms to a specific ontology.” to be an ontology management system.*.), said ontology directed extractor, comprising: means for receiving an unstructured text description about an item as input (see Abstract, “A query from a user is transmitted to one of the front end computers which forwards the query to one of the computer nodes, termed the home node,”, *Examiner interprets the query to be unstructured text since its features are extracted “according to its ontology”.*), and means for producing a set of structured property values about the item as output (see Abstract, “Each hashed feature and the list of target ontologies is transmitted”, *Examiner interprets “Each hashed feature and the list of target ontologies” to comprise a set of structured property values about the item.*).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Paik et al. (Paik)* (USPN: 6,076,088) in view of *Dahlgren et al. (Dahlgren)* (USPN: 5,794,050).

Regarding claim 1. *Paik* teaches a collection of software tools (see §2.0 Document Processing, *Examiner interprets “Numeric Concept Interpreter” and “Concept Identifier” to be software tools.*) for acquiring data from diverse sources (see Abstract) and/or structuring the data (see col. 5, lines 41-44) and/or determining similarity of content (see col. 22, lines 40-46). *Paik* doesn't teach the said collection of software tools comprising: one or more tools selected from the group consisting of a web agent creator, a web agent created by the web agent creator, a web agent manager, an ontology-directed classifier, an ontology-directed extractor, and an ontology-directed matcher.). However, *Dahlgren* does teach the said collection of software tools comprising: an ontology-directed classifier (see Abstract, “The invention uses a psychologically-motivated naive semantic ontology that provides a means for classifying concepts.”). It would have been obvious at the time the invention was made to persons having ordinary skill in the art

to combine *Paik* with *Dahlgren* to interpret natural language input using common sense reasoning in order to avoid combinatorial explosion.

10. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Paik et al. (Paik)* (USPN: 6,076,088) in view of *Fonseca et al. (Fonseca)*, "MAGUI - A Multi-Agent Graphical User Interface", 1997 and further in view of *Wenyin*, "Example-Driven Graphics Recognition", 2002.

Regarding claim 2. *Paik* teaches the collection according to claim 1. *Paik* does not teach one or more of the tools are example driven through a graphical user interface. *Fonseca* does teach one or more of the tools are a graphical user interface (see §IV. The Graphical User Interface). *Wenyin* teaches one or more of the tools an example driven interface (see Abstract). ."). It would have been obvious at the time the invention was made to persons having ordinary skill in the art to combine *Paik* with *Fonseca* to handle interacting with a multitude of different autonomous agents often characterized by a great dynamics and *Paik* and *Fonseca* with *Wenyin* to allow the user to specify one or more examples of one type of object in a problem, an the system then learn constraint rules among the components in this type of object and recognize similar objects or similar problems by matching the constraint rules..

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan H. Brown, Jr. whose telephone number is 571-272- 8632. The examiner can normally be reached on M-F 0830-1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Knight
Supervisory Patent Examiner
Tech Center 2100

Nathan H. Brown, Jr.
June 28, 2007